HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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Writ Petition No. 26740 of 2005

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Dated: 26th December, 2005

Between:

Syed Hussaini S/o.Sri Syed Ismail,

R/o.Plot No.1, Survey No.135, Tandur, R.R.District.

..... PETITIONER

AND

The Municipal Council, Tandur, rep. by its Commissioner, Tandur, R.R.District.

.....RESPONDENT

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.26740 of 2005

ORDER:

This writ petition has been filed by Syed Hussaini assailing the action of the respondent-Municipal Council, Tandur, in rejecting the building permission for construction of a pucca house.

2. It is the case of the petitioner that the government allotted house plot admeasuring 120 sq. yards comprising Survey No.135 of Tandur village vide Patta Certificate No.C/761/92, dated 10.04.1992. He put up small constructions for his residence and thereafter he submitted building permission application on

24.11.2005. He also secured 'No Objection Certificate' from the Mandal Revenue Officer, Tandur. The respondent-Municipal Council rejected the building permission on the ground of the petitioner not placing on record the registered ownership document.

3. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent.

4. Learned counsel appearing for the petitioner submits that the petitioner was assigned house plot by the Mandal Revenue Officer, Tandur, on 10.04.1992. He produced the patta certificate before the respondent-Municipal Council to consider his building permission application. The action of the respondent in insisting the petitioner to produce original registered ownership document cannot be sustained since the revenue authorities issue patta certificate and not registered ownership document.

5. The 'No Objection Certificate' issued by the Mandal Revenue Officer, Tandur, which has been enclosed to the building permission application, reads as follows:

> "On verification of this office record, the house site patta certificate bearing No.C/761/1992, dated 10.04.1992 issued in the name of Sri Syed Hussain S/o.Syed Ismail, R/o.Tandur by this Office in plot No.1 of Sy.No.135, Tandur is genuine one and there is no objection to grant permission for construction of house over that plot as he intends to take up pacca construction after demolishing the present "Shabad Stone' roofed structure."

The petitioner enclosed the patta certificate issued by the revenue authorities to his building permission application. The patta certificate itself is sufficient to show the ownership of the plot over which the petitioner intends to put up constructions. The action of the respondent-Municipal Council in insisting the petitioner to produce registered ownership document cannot be justified.

6. Accordingly, rejection memo bearing ROC No.C/937/05, BA No.101/2005, dated 25.11.205, issued by the respondent-Municipal Council is set aside and

the respondent-Municipal Council is directed to consider the building permission application of the petitioner based on the original patta certificate and 'No Objection Certificate' placed on record and pass appropriate orders within four weeks from the date of receipt of a copy of this Order.

7. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Date: 26th December, 2005.

Note:

Issue C.C. within a week.

B/O

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